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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,391	10/03/2000	Daniel Bates	0007891-0002	6681

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PATENT ADMINISTRATOR  
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EXAMINER
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BLACKMAN, ANTHONY J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S11

<b>Office Action Summary</b>	Application No. <b>09/679,391</b>	Applicant(s) <b>BATES et al</b>	Examiner <b>Anthony Blackman</b>	Art Unit <b>2672</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Feb 11, 2002

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-32 is/are pending in the application.

4a)  Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-30 is/are rejected.

7)  Claim(s) 31 and 32 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant recites that Delp does not "...disclose a method for associating an event as recited in the claims at issue with a color value for a selected location as recited in the claims at issue," the examiner recognizes this as the driving feature of the invention as claimed. Examiner utilizes LINDHORST et al, US Patent No. 6,337,696 specifically disclosing the feature as argued in applicant's response. However, applicant argues subject matter that is not claimed. The examiner recognizes that applicant made significant changes to the claim language. LINDHORST et al anticipates the amended independent claims. Therefore, this action is final.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 6, 11, 16, 21 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by LINDHORST et al, US Patent No. 6,337,696.

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4. Consider claims 1, 6, 11, 21, and 26. LINDHORST et al discloses a method for creating and editing event handlers that link events triggered on one object to actions taken on one or more different objects (abstract, lines 1-3) in addition to a method for associating a color of an object with an event (column 2, lines 51-67), determining a location on a video screen where an action by a pointing device has occurred, defining a selected location (column 2, lines 51-67, column 3, lines 1-29), determining a color value for said selected location (column 2, lines 51-67, column 3, lines 1-29, column 17, lines 23-43), and associating an event with a color value (column 2, lines 51-67, column 3, lines 1-29, column 17, lines 23-43).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 5, 7, 9, 12-13, 15, 17, 19, 22-23, 25, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over LINDHORST et al US Patent No. 6,337,696 in view of DELP US Patent No. 6,026,411. LINDHORST et al meet limitations for claims 1, 6, 11, 16, 21, and 26, however does not expressly meet limitations for claims 2-3, 5, 7, 9, 12-13, 15, 17, 19, 22-23, 25, 27, and 29.

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7. Consider claims 2, 12, and 22. DELP discloses means wherein a color range ( figure 1, element 136, figures 5-11, column 1, lines 38-40, 44-52). It would have been obvious to one skilled in the art at the time of the invention to utilize "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as searching and querying by image color images from the Internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LINDHORST et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents.

8. Consider claims 3, 13, and 23. DELP discloses means wherein said color value is a color pattern (figures 5-11, column 1, lines 38-40, 44-52). It would have been obvious to one skilled in the art at the time of the invention to utilize "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as searching and querying by image color images from the Internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LINDHIRST et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents.

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9. Consider claims 4, 14, and 24. DELP discloses means wherein said color value is an RGB characteristic (figures 5-11, column 1, lines 38-40, 44-52). It would have been obvious to one skilled in the art at the time of the invention to utilize "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as searching and querying by image color images from the Internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LINDHORST et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents.

10. Consider claims 5, 15, and 25. DELP discloses means wherein said color value comprises an HSV characteristic (figures 5-11, column 1, lines 38-40, 44-52). It would have been obvious to one skilled in the art at the time of the invention to utilize "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as searching and querying by image color images from the Internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LINDHORST et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents.

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11. Consider claims 7, 17, and 27. DELP discloses means wherein said event is a retrieval of a web page at a specified URL ( column 1, lines 17-40, 44-52). It would have been obvious to one skilled in the art at the time of the invention to utilize "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as searching and querying by image color images from the Internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LYNDHORST et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents.

12. Consider claims 9, 19, and 29. DELP discloses means wherein said object is an image residing in a web browser ( column 1, lines 14-40, 44-52). It would have been obvious to one skilled in the art at the time of the invention to utilize "... method, apparatus and computer program product generating an image index and for searching and querying by image colors in a network environment, such as searching and querying by image color images from the Internet" (column 1, lines 10-14, 31-57, figures 1 and 11, column 2, lines 1-5) of DELP with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LINDHURST et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents.

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13. Claims 4, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LYNDHORST et al US Patent NO. 6,337,696 in view of KNOWLTON et al US PATENT NO. 5,973,692. LYNDHORST et al meets limitations for claims 1, 11, and 21, however, does not expressly teach or suggest the color value comprising an RGB characteristic. KNOWLTON et al disclose the color value comprising an RGB characteristic (figures 3a-1 and 3a-2). It would have been obvious to one at the time of the invention to utilize the visual linking library and network including the color lookup table (figure 3a-1 and 3a-2) with the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LYNDHORST et al because KNOWLTON et al includes a capture engine for extracting graphics information from a data file/document and generating a corresponding graphic icon forming a displayable image representing the graphics information ( column 4, lines 28-47). Further, by adding the grayscale lookup table the color range may be expanded allowing for greater user satisfaction.

14. Claims 8, 10, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over LINDHORST et al US Patent 6,337,696 in view of SAMPATH-KUMAR et al US PATENT NO. 6,169,573.

15. Consider claims 8, 18, and 28. LINDHORST et al meets limitations for claims 1, 11, and 21, however, does not expressly teach wherein said event is the retrieval of a data track. SAMPATH-KUMAR et al disclose the above limitation (figure 4). It would have been obvious

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to one at the time of the invention to utilize the hypervideo system and method with object tracking utilizing hyperlinking with the system and method utilizing software regions of the user interface for interactions from the user of LINDHORST et al because SAMPATH-KUMAR et al teach "...the hypervideo browser allows the MPEG video to be viewed and objects of interest to be selected by a user, thereby hyperlinking to additional information of interest"(abstract, lines 7-10).

16. Consider claims 10, 20, and 30. LINDHORST et al meets limitations for claims 11, 6, 11, 16, 21, and 26, however, does not expressly teach wherein said object is an image residing in a streaming media. SAMPATH-KUMAR et al disclose the above claim limitation (Column 3, lines 55-63).

***Allowable Subject Matter***

17. Claims 31-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

BOX AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

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(703) 872-9314 (for formal communications marked EXPEDITED PROCEDURE), or

(703) 746-5731 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist

Crystal Park II

2121 Crystal Drive

Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Blackman who may be reached via telephone at (703) 305-0883. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, may be reached at (703) 305-4713

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Anthony J. Blackman

Patent Examiner

5/5/2002



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